

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION

GEORGE ARTHUR HARRELSON, JR.	)	
	)	Civil No. 7:11-CV-112-O-BL
v.	)	
	)	(Criminal No. 7:05-CR-018-O)
UNITED STATES OF AMERICA	)	


ORDER ACCEPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE

After making an independent review of the pleadings, files and records in this case, of the Report and Recommendation of the United States Magistrate Judge, and of George Harrelson's objections thereto, I am of the opinion that the Report and Recommendation of the Magistrate Judge is correct and it is hereby adopted and incorporated by reference as the Findings of the Court, with the following dates amended:

Harrelson's direct appeal from his criminal conviction was dismissed on December 10, 2008. *United States v. Harrelson*, No. 07-10428 (5th Cir. 2008). For purposes of the statute of limitations, his conviction became final 90 days later, on March 10, 2009, when his time for filing a petition for writ of certiorari expired. *See* Sup. Ct. R. 13.1. The limitation period in which to file the instant motion expired one year later on March 10, 2010. Harrelson's original § 2255 motion (Doc. No. 1) is dated August 25, 2011, which the Court will recognize as the filing date under the mailbox rule. *See Spotville v. Cain*, 149 F.3d 374, 377 (5th Cir. 1998) (applying the "mailbox rule" to the filing of a federal habeas petition). Therefore, the instant motion is untimely.

For the foregoing reasons, the motion to correct, vacate, or set aside sentence is  
DISMISSED.

SO ORDERED this 3rd day of July, 2012.

  
Reed O'Connor  
UNITED STATES DISTRICT JUDGE